

## Declaration For U.S. Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
(Insert Title) Recombinant expression of S-layer proteins

the specification of which

(Check one of blocks 1, 2 or 3. See note A on back of this page)

1.  is attached hereto.
2.  was filed on \_\_\_\_\_  
International PCT Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)
3.  was filed on 31 July 1998  
U.S. Application Serial No. 09/117,447  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application for which priority is claimed:

<u>196 03 649.6</u> (List prior foreign applications. See note B on back of this page)	<u>Germany</u> (Country)	<u>1/Febr./1996</u> (Day/Month/Year Filed)	Priority Claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

(See Note C on back of this page)

 See attached list for additional prior foreign applications

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application:

<u>(List prior U.S. Applications or PCT International applications designating the U.S.)</u>	<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status) (patented, pending, abandoned)</u>
_____	_____	_____	_____

And I hereby appoint as principal attorneys David T. Nikaido, Reg. No. 22,663; Charles M. Marmelstein, Reg. No. 25,895; George E. Oram, Jr., Reg. No. 27,931; Robert B. Murray, Reg. No. 22,980; Martin S. Postman, Reg. No. 18,570; E. Marcie Ermas, Reg. No. 32,131; Michael G. Gilman, Reg. No. 19,114; Douglas H. Goldhush, Reg. No. 33,125; Kevin C. Brown, Reg. No. 32,402; Monica Chin Kitz, Reg. No. 36,105; Sharon N. Klesner, Reg. No. 36,335, and John R. Fuisz, Reg. No. 37,327.

Please direct all communications to the following address: NIKAIKO, MARMELSTEIN, MURRAY & ORAM.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(See Note D on back of this page)

Full name of sole or first inventor Prof. Dr. Werner Lubitz  
 Inventor's signature Werner Lubitz Date 30.11.98  
 Residence A-1080 Wien/Vienna, Austria ATX  
 Citizenship Austria  
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2) Full name of second joint inventor, if any Prof. Dr. Uwe Slevtr  
Inventor's signature Uwe Slevtr Date 30.11.98  
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Citizenship Austria  
Post Office Address Parhamerplatz 10, A-1170 Wien/Vienna, Austria

3) Full name of third joint inventor, if any Beatrix Kuen  
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4) Full name of fourth joint inventor, if any Michaela Truppe  
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5) Full name of fifth joint inventor, if any Stefan Howorka  
Inventor's signature Stefan Howorka Date 30.11.98  
Residence A-1130 Wien/Vienna, Austria ATX  
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6) Full name of sixth joint inventor, if any Stepanka Resch  
Inventor's signature Stepanka Resch Date 30.11.98  
Residence A-1150 Wien/Vienna, Austria ATX  
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Post Office Address Kranzgasse 7/28, A-1150 Wien/Vienna, Austria

7) Full name of seventh joint inventor, if any Gerhard Schroll  
Inventor's signature Gerhard Schroll Date 30.11.98  
Residence A-1070 Wien/Vienna, Austria ATX  
Citizenship Austria  
Post Office Address Maria Hilferstraße 110/6, A-1070 Wien/Vienna, Austria

8) Full name of eighth joint inventor, if any Margit Sara  
Inventor's signature Margit Sara Date 30.11.98  
Residence A- 2230 Gänserndorf, Austria ATX  
Citizenship Austria  
Post Office Address Watzeckgasse 84, A-2230 Gänserndorf, Austria

Applicant or Patent  
Serial or Patent No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

For: Recombinant expression of S-layer proteins

Attorney's  
Docket No.: \_\_\_\_\_

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled Recombinant expression of S-layer proteins described in

the specification filed herewith  
 application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

no such person, concern, or organization  
 persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention according to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Uwe Sleytr  
NAME OF INVENTOR  
  
Signature of Inventor

NAME OF INVENTOR

NAME OF INVENTOR

Signature of Inventor

Signature of Inventor